

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BIENVENIDO I. LUGO MARCHANT,
Plaintiff,

v.

PETER TSICKRITZIS, KEVIN
KINGSTON and UNITED LIQUORS
LIMITED,
Defendants.

Civil Action No. 05 11317 NMG

**DEFENDANTS' MOTION TO EXTEND DEADLINE FOR COMPLETING
DEPOSITIONS AND OTHER DEADLINES**

Defendants, United Liquors, Ltd., Peter Tsickritzis, and Kevin Kingston ("Defendants"), hereby move to extend the deadline for completing depositions and other deadlines in this matter in light of the pending discovery motions filed by Defendants and Plaintiff. Specifically, Defendants move to extend the deadline for completing depositions up to and including Monday, October 16, 2006, the deadline for serving dispositive motions up to and including Thursday, November 16, 2006, and the deadline for serving responses to dispositive motions up to and including Friday, December 15, 2006.

As grounds for their motion, Defendants state the following:

1. This action arises out of Plaintiff's employment with United Liquors Limited ("United Liquors") in 2003. In his Complaint served in September, 2005, Plaintiff alleges discriminatory treatment during his employment and asserts claims under Title VII of the Civil Rights Act of 1964 and Title I of the Americans With Disabilities Act.

2. Defendants served their first set of interrogatories and first request for documents upon Plaintiff on January 6, 2006.

3. By February 13, 2006, Defendants had not received discovery responses from Plaintiff. On March 3, 2006, after Plaintiff failed to respond to Defendants' counsel's request for a discovery conference, Defendants served a motion to compel discovery responses. Approximately one week after the filing of Defendants' motion to compel, Plaintiff served his discovery responses. Subsequently, Defendants notified the Court that they were withdrawing the pending motion to compel, as they were required to do since responses finally were provided.

4. On March 15, 2006, Defendants' counsel sent a letter to Plaintiff informing him that they had reviewed his discovery responses and were surprised by his responses. In the letter, Defendants' counsel requested that Plaintiff contact them to confer regarding his discovery responses. Plaintiff did not respond to Defendant's request for a conference.

5. On April 3, 2006, Defendants filed a motion to compel complete and substantive responses to discovery.

6. On April 19, 2006, in response to Defendants' second motion to compel, Plaintiff filed a document entitled Plaintiff's Motion to Dismiss Defendants' Motion to Compel Complete and Substantive Answers to Interrogatories Propounded by the Defendants.

7. On June 23, 2006, the Court referred the pending motion to compel and the pending motion to dismiss the motion to compel to Magistrate Judge Judith Dein for determination. A hearing of the motions has been scheduled for July 6, 2006.

8. To date, Plaintiff has not provided complete answers to interrogatories or responses to document requests. Due to the absence of discovery responses, Defendants did not go forward with Plaintiff's deposition, which had been scheduled.

9. In the Scheduling Order issued in this case, the Court set the deadline for responding to written discovery requests as April 30, 2006 and stated that discovery was to be

completed by June 30, 2006. The Court also set the deadline for taking fact and expert witness depositions as June 30, 2006. In addition, the Court set the deadline for serving dispositive motions as August 31, 2006 and the deadline for serving responses to dispositive motions as September 29, 2006.

10. Defendants request that the Court extend the deposition deadline up to and including Monday, October 16, 2006, the deadline for serving dispositive motions up to and including Thursday, November 16, 2006, and the deadline for responding to dispositive motions up to and including Friday, December 15, 2006. This is the first request for an extension in this matter.

WHEREFORE, Defendants request that the Court extend the deadline for completing depositions up to and including Monday, October 16, 2006, the deadline for serving dispositive motions up to and including Thursday, November 16, 2006, and the deadline for serving responses to dispositive motions up to and including Friday, December 15, 2006.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel for Defendants, Heather Stepler, hereby certifies that she spoke with Plaintiff on Monday, June 26, 2006, to confer about the filing of this motion. Plaintiff indicated that he would call counsel for Defendants on Wednesday, June 28, 2006, regarding his thoughts on the filing of this motion. However, Plaintiff did not call counsel for Defendants on June 28, 2006 and, to date, has not contacted counsel for Defendants about the filing of this motion. Accordingly, the issues raised in this motion have not been narrowed.

Respectfully submitted,

UNITED LIQUORS LIMITED, PETER
TSICKRITZIS and KEVIN KINGSTON,

By their attorneys,

/s/ Joan Ackerstein

Joan Ackerstein (BBO# 348220)

Heather Stepler (BBO# 654269)

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Dated: June 29, 2006

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2006, this document was served upon Plaintiff, Bienvenido I. Lugo Marchant, 19 Grove Street, Brockton, MA 02301, by first class mail, postage prepaid.

/s/ Joan Ackerstein

Jackson Lewis LLP